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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
33836.00.0019

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on February 16, 2007

Signature

Typed or printed name Evelyn Stenseth

Application Number	Filed
10/090,550	March 4, 2002

First Named Inventor
Baiju Shah, et al.

Art Unit	Examiner
3621	M. Da Zhi Wang Cheung

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number 38,566
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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February 16, 2007
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*

☑ *Total of 1 forms are submitted.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Baiju Shah et al.	Examiner:	Mary Da Zhi Wang Cheung
Serial No.:	10/090,550	Art Unit:	3621
Filing Date:	March 4, 2002	Docket No.:	33836.00.0019
Confirmation No.: 7097			

Title: **CONTENT BANK FOR OBJECTS**

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants are filing this paper concurrently with a Pre-Appeal Brief Request For Review form PTO/SB/33 and a Notice of Appeal. Applicants respectfully submits that the Examiner's rejections include clear errors because one or more claim limitations are not met by the cited references, the references do not teach what the Examiner alleges nor would a person having ordinary skill in the art be motivated to combine the cited references. Claims 24-42 and 52-78 have been withdrawn.

The present invention provides systems and methods concerning the processing and distribution of information relating to objects. In one embodiment, a digital identity instance, defined by instantiations of at least one service module, is provided that hosts all information regarding virtually any type of object and serves as a proxy for, i.e., operates on behalf of, that object.

Claims 1-23 and 43-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fera in view of Ginter. Both the Fera and Ginter references are summarized on pages 23-24 of Applicants' response filed on January 15, 2007 (hereinafter, "the After Final Response"). In short, Fera is directed to an apparatus and method for managing a fleet of mobile assets such as

trains or other vehicles. In-vehicle sensors provide data that is downloaded through a data link to a data center. Based on analysis of the information thus stored, service (i.e., maintenance) recommendations may be made. In contrast, Ginter teaches the provision of a "virtual distribution environment" (VDE) that may be used to distribute electronic content in a secure and reliable manner. In particular, Ginter teaches "electronic appliances" that are each provided with a "Rights Operating System" (ROS) that, among other things, implements "services" that are linked together using a "remote procedure call" (RPC) request structure between different entities. In this manner, Ginter's ROS can create "component assemblies" or applications that draw upon "structures" provided by different entities within the system.

With regard to claims 1 and 43, it is asserted that Fera teaches receiving, by a digital identity instance representative of an object, object related information (ORI) *targeted to a service* to the extent that Fera teaches the monitoring of sensors on objects (e.g., locomotives) and the provision of such sensor data to a centralized data base 39, citing page 5, lines 9-21 and page 8, lines 4-10. However, review of the cited portions of Fera reveal that, contrary to the assertion otherwise, the ORI provided to Fera's centralized data base is not targeted to a service as presently claimed. On the contrary, Fera's ORI is simply sent to a database for collection. Indeed, the only connection between the ORI and any "service" taught by Fera is notifying a maintenance service of the existence of a fault, which fault is identified only after analysis of the previously-provided ORI. (FIG. 2, blocks 39, 48, 58 & 60) Stated another way, the ORI of Fera is not specifically targeted to any service, but instead involves a "service" only after analysis reveals the existence of a fault within the object performance. It is further asserted, regarding claim 1, that Fera teaches "sending the object-related information to the service" at page 14, lines 3-11 and FIG. 5. Once again, however, review of the cited portions of Fera demonstrate that ORI is never sent to the "service", i.e., the maintenance shop. At most, a "fault", identified

based on an analysis of the ORI, is provided to the "service." (FIG. 5, blocks 128, 134 & 135; page 13, lines 1-9; page 13, line 23 – page 14, line 11) Thus, to the extent that Fera fails to teach receiving ORI targeted to a service and sending ORI to the service, Applicants respectfully submit that Fera is an inadequate basis for establishing the prima facie obviousness of claim 1, which claim is therefore in condition for allowance.

Further still, Examiner has correctly noted that Fera fails to teach *the digital identity instance acting as proxy for the object* as claimed. Ginter has been cited as teaching these limitations. Applicants respectfully submit that Ginter does not teach these limitations.

The "service modules" of Ginter are akin, if not essentially identical to, the services typically provided by a computer's operating system. It is further noted that Ginter is wholly unrelated to and silent on the topic of processing of *object* related information. Thus, while Ginter's "service modules" may be used to create "component assemblies" for performing useful functions, Ginter simply fails to teach that any collective instantiation of such "service modules" may act as a *proxy* for an *object*. Thus, the combination of Fera in view of Ginter fails to establish prima facie obviousness of claim 1.

Even assuming that Ginter does in fact teach these limitations, Applicants respectfully submit that a person having ordinary skill in the art would not be motivated to combine the Fera and Ginter references because the "services" of Fera and Ginter are unrelated to each other. As noted above, the "service modules" taught by Ginter are executable code or instructions that relate to basic functions for controlling operation of Ginter's electronic appliances. Ginter is wholly unrelated to and silent on the topic of the processing of object related information, much less the use of digital identity instances (defined by instantiations of one or more service modules) as proxies for objects. In contrast, the "services" provided by Fera are unrelated to functions performed *on behalf of an object* (i.e., in a proxy fashion, as presently claimed), but

instead relate to operations that may be performed *on the object*, i.e., maintenance functions. One of ordinary skill in the art would not be motivated to "allow the digital identity instance in Fera's teaching to include [Ginter's] service modules for performing services accordingly as taught by Ginter for easy execution of [Ginter's executable instructions]" because the operating system-like basic functions of Ginter are no more related to the provision of services that could be performed on an object than the typical "services" provided by a computer's operating system. In short, one would not be motivated to combine Ginter's service modules because they are unrelated to the "services" provided by Fera and would not further the provision of services by a digital identity instance acting on behalf of an object.

The arguments presented above apply equally to claims 8 and 46. With further regard to claims 8 and 46, Fera does not teach a service providing ORI to a third party. Indeed, to the extent that the "service" taught by Fera concerns operations that may be performed on an object, rather than on its behalf, it is clear that the "service" of Fera does not provide object related information to anyone. The cited portion of Fera (page 14, lines 3-22 and FIG. 5) does not teach ORI being provided to a third party by the service, but rather that suggested responses to fault information (developed by analysis of ORI, as noted above) may be provided to an operator of Fera's system, and that data concerning cargo in "mobile assets" may be processed to develop information that is distributed via a network, rather than a "service".

The dependent claims add additional novel and non-obvious subject matter and are also allowable as at least depending from an allowable base claim.

Furthermore, instant claims 4 and 5 recite sending ORI to a service based on location information regarding the service, which location information may correspond to another content bank system. The reference to page 14, lines 3-11 and FIG. 5 of Fera fails to teach sending ORI

to a service, much less doing so based on location of the service or where the location of the service corresponds to another content bank system.

Claim 7 recites verifying access rights of the source to provide the ORI to the content bank system. In contrast, the cited portion of Fera (page 10, lines 1-15) does not teach that the access rights of the *source of the ORI* are verified, as presently claimed, but rather that the rights of entities seeking to access the stored ORI are verified.

Claim 9 recites receiving a request for ORI in which the request specifies the third party as the destination of the ORI. FIG. 9 of Fera is recited as teaching this limitation. However, Applicants note that FIG. 9 concerns little more than a web page used by service personnel to identify proximity of a train to a service shop. Similarly, it is asserted that FIG. 9 teaches the limitation recited in claim 13 of receiving a request from *another* third party specifying the first third party as the destination for the ORI. Once again, FIG. 9 and the associated description thereof teach no such thing.

Reconsideration and withdrawal of the rejection of the claims and subsequent issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: 2/16/07

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